

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:13-cr-00258-RJC

UNITED STATES OF AMERICA )  
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                                 vs. )                                  )  
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LARRY DONNELL ERBY JR.(5) )  
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                                  ) ORDER  
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**THIS MATTER** is before the Court on the third motion of the defendant for substitution of counsel. (Doc. No. 211).

The defendant's previous motions have been denied after hearings for failure to state sufficient grounds for new appointed counsel. (Doc. No. 84: Order; Oral Order Nov. 26, 2013). Likewise, the Court finds no basis to remove appointed counsel upon consideration of the instant motion. See United States v. Mullen, 32 F.3d 891, 895 (4th Cir. 1994) (stating grounds new counsel). However, the Court will allow the defendant to raise issues relating to the appropriate sentence in this case at his sentencing hearing October 30, 2014.

**IT IS, THEREFORE, ORDERED** that the motion for substitution of counsel is **DENIED**.

The Clerk is directed to certify copies of this order to the defendant, counsel for the defendant, and to the United States Attorney.

Signed: October 7, 2014

  
Robert J. Conrad, Jr.  
United States District Judge

